

1 AN ACT in relation to vehicles.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Illinois Vehicle Code is amended by  
5 changing Section 15-109.1 as follows:

6 (625 ILCS 5/15-109.1) (from Ch. 95 1/2, par. 15-109.1)

7 Sec. 15-109.1. Covers or tarpaulins required for certain  
8 loads.

9 (a) No person shall operate or cause to be operated, on  
10 a highway, any second division vehicle loaded with dirt,  
11 aggregate, garbage, refuse, or other similar material, when  
12 any portion of the load is falling, sifting, blowing,  
13 dropping or in any way escaping from the vehicle.

14 (b) No person shall operate or cause to be operated, on  
15 a highway, any second division vehicle having a gross vehicle  
16 weight rating of 8,000 pounds or more loaded with dirt,  
17 aggregate, garbage, refuse, or other similar material in or  
18 on any part of the vehicle other than in the cargo area.  
19 While the vehicle is transporting such a load, the cargo area  
20 must be enclosed or secured at all times with a tarpaulin or  
21 other cover sufficient to prevent any portion of the  
22 materials from falling, blowing, dropping, or otherwise  
23 escaping from the vehicle. In addition, no person shall  
24 operate on any highway, such vehicle unless the tailgate on  
25 the vehicle is in good repair and operating condition and  
26 closes securely so as to prevent any load, residue, or other  
27 material from escaping.

28 (c) This Section shall not apply to the operation of  
29 highway maintenance vehicles engaged in removing snow and ice  
30 from the roadway, nor to implements of husbandry or other  
31 farm vehicles ~~while-transporting-agricultural-products-to-or~~

1 ~~from the original place of production.~~

2 (d) For the purpose of this Section "aggregate" shall  
3 include all ores, minerals, sand, gravel, shale, coal, clay,  
4 limestone or any other ore or mineral which may be mined.

5 (e) Notwithstanding any other penalty, whenever a police  
6 officer determines that the operator of a vehicle is in  
7 violation of this Section, as evidenced by the issuance of a  
8 citation for a violation of Section 15-109.1 of this Code, or  
9 where a police officer determines that a dangerous condition  
10 exists whereby any portion of the load may fall, sift, blow,  
11 drop, or in any way escape or fall from the vehicle, the  
12 police officer shall require the operator to stop the vehicle  
13 in a suitable place and keep such vehicle stationary until  
14 the load has either been reduced, secured, or covered with a  
15 cover or tarpaulin of sufficient size to prevent any further  
16 violation of this Section.

17 (f) Any violation of the provisions of this Section  
18 shall be a petty offense punishable by a fine not to exceed  
19 \$250.

20 (Source: P.A. 91-858, eff. 1-1-01.)

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.